

RESOLUTION NO. 12-192

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON 36TH STREET NORTH FROM THE EAST LINE OF ARKANSAS AVENUE EAST TO AND INCLUDING A TURNAROUND EAST OF THE EAST LINE OF AGNES ADDITION 472-84992 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON 36TH STREET NORTH FROM THE EAST LINE OF ARKANSAS AVENUE EAST TO AND INCLUDING A TURNAROUND EAST OF THE EAST LINE OF AGNES ADDITION 472-84992 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 11-108 adopted on May 3, 2011 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to authorize constructing pavement on 36th Street North from the east line of Arkansas Avenue east to and including a turnaround east of the east line of Agnes Addition 472-84992. Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to Two Hundred Thirty Five Thousand Dollars (\$235,000) exclusive of the cost of interest on borrowed money, with 86.75 percent payable by the improvement district and 13.25 percent payable by the City-at Large. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after March 1, 2011, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

AGNES ADDITION

Lots 1 and 2

South Half of Lots 3 and 4

HOUSE OF STEWARTS ADDITION

Lots 1 through 4 Inclusive

JAMES C GREEN ADDITION

Lots 1 through 3 Inclusive

UNPLATED TRACTS

In Section 32, Township 26S, Range 1E

South 162 Feet of a Tract Described as: Beginning 752.84 Feet East Southwest Corner North $\frac{1}{2}$ Northwest $\frac{1}{4}$ Northeast $\frac{1}{4}$ East to Center Creek Northerly To Center Millrace Northerly To West Line Waco South to Beginning Except .11 Acres Floodway CC A-41035 & EXC Relocated 37th Street North (A-39-UP)

North 300.05 Feet of a Tract Described As: Beginning 700 Feet East & 335 $\frac{1}{2}$ Feet North Southwest Corner Northwest $\frac{1}{4}$ Northeast $\frac{1}{4}$ North to South Line Bridgewater Addition East to Center Creek Southwesterly to Point East of Beginning West to Beginning (A-134-UP)

West 325.07 Feet South $\frac{1}{2}$ Northwest $\frac{1}{4}$ Northeast $\frac{1}{4}$ Except North 134 Feet & Except South 370.5 Feet (A-137-UP)

Beginning 671 Feet North & 400 Feet East Southwest Corner Northwest $\frac{1}{4}$ Northeast $\frac{1}{4}$ South 300.5 Feet East 75 Feet North 300.5 Feet West to Beginning (A-141-UP)

Beginning 370.5 Feet North & 700 Feet East Southwest Corner Northwest $\frac{1}{4}$ Northeast $\frac{1}{4}$ North 300.5 Feet West 75 Feet South 300.5 Feet East to Beginning (A-142-UP)

Beginning 671 Feet North & 475.07 Feet East Southwest Corner Northwest $\frac{1}{4}$ Northeast $\frac{1}{4}$ South 300.5 Feet East 75 Feet North 300.5 Feet West to Beginning (A-143-UP)

Beginning 671 Feet North & 550.075 Feet East Southwest Corner Northwest $\frac{1}{4}$ Northeast $\frac{1}{4}$ South 300.5 Feet East 75 Feet North 300.5 Feet West to Beginning (A-146-UP)

Beginning 370.5 Feet North & 325 Feet East Southwest Corner Northwest $\frac{1}{4}$ Northeast $\frac{1}{4}$ East 75 Feet North 300.5 Feet West 75 Feet South to Beginning (A-147-UP)

South 15.47 Feet of A Tract Described As: Beginning 377.85 Feet South Northwest Corner Northwest $\frac{1}{4}$ Northeast $\frac{1}{4}$ South 116.575 Feet East 425.14 Feet North 116.575 Feet West to Beginning (A-185-UP)

East 148.59 Feet of Tract - Beginning 30 Feet North & 30 Feet East Southwest Corner North $\frac{1}{2}$ Northwest $\frac{1}{4}$ Northeast $\frac{1}{4}$ North 146.575 Feet East 395.14 Feet South 146.575 Feet West to Beginning (A-187-UP)

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a square foot basis.

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 14th day of August, 2012.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY E. REBENSTORF, DIRECTOR OF LAW